

### **V. REMARKS**

Claim 1, 3, 4 and 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The claims are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as unpatentable over Awaya et al. (U.S. Patent No. 4,226,274) in view of Havens (U.S. Patent No. 2,261,025). The rejection is respectfully traversed.

According to the present invention of claim 1, "a first cavity having a first surface shape that continuously changes as a depth of the tread surface decreases due to wear" and 'a second cavity having a second surface shape that remains constant as the depth of the tread surface decreases due to wear" are provided in pair and arranged in close proximity to each other, so that at any optional time point after the use is commenced of a fresh tire, it is expediently possible to ascertain the amount or degree of wear of the tire in use. This result cannot be brought about with the provision in the tire of the above "first cavity" alone but can be realized only when the above "second cavity" of which the surface shape is not changeable is provided in a closely neighboring arrangement to the "first cavity".

The Awaya et al. reference cited in the Office Action does not show both elements constituting the wear indicator according to the present invention but shows only the "first cavity". Thus, according to Awaya et al., there can never be attained the advantageous result according to the applicant's invention recited in claim 1 that at any optional time point after the use is commenced of a fresh tire, the amount or degree of wear of the tire during its use can be expediently ascertained.

Then, Havens discloses many slits in the rib in order to enhance traction of the tire. That is to say, the slits do not come under a wear indicator. Also, a slit, if alone, does not have a function to accurately tell the amount or degree of wear of the tire at an arbitrary point of time during use of the tire.

As above, the invention disclosed by Havens and that by Awaya et al. have absolutely different respective objects, so that there lies no reason whereby a skilled

artisan is motivated to combine the slits of Havens and the wear indicator of Awaya et al. together.

In other words, the idea asserted by the United States Patent and Trademark Office that Havens is combined with Awaya et al. is based on a hindsight firstly with the knowledge of the contents of the applicant's claim 1, and first without knowing the contents of the applicant's claim 1, such idea can never be derived.

Claims 3, 4 and 6 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite. For instance, claim 3 recites wall surfaces of at least one of the first empty cavity and the empty second cavity are colored with a different color from that of surrounding rubber. Claim 6 recites a surface shape of the at least one of the first empty cavity and the second empty cavity is a quadrilateral having two pairs of opposite sides one of the two pairs of opposite sides having equal first lengths extending in one of a width direction and a circumferential direction of the pneumatic tire and a remaining one of the two pairs of opposite sides having equal second lengths extending in a remaining one of the width direction and circumferential direction and one of the equal first lengths and the equal second lengths of the two pairs of the sides remain constant, and the remaining one of the equal first lengths and the equal second lengths of the other pair continuously changes as wear progresses. Thus, it is respectfully submitted that that claims 3 and 6 are allowable for these additional reasons.

Withdrawal of the rejection is respectfully requested.

Claim 1 is rejected under 35 U.S.C. 103(a) as unpatentable over Europe 250113 (EP 113) in view of Germany 3627833 (DE 833) and Japan 55-110608 (JP 608, mistakenly indicated by the Examiner as Japan '607). The rejection is respectfully traversed.

The EP '113 reference cited in the Office Action discloses wear indicating grooves having at least two grooves of different depths. According to the wear indicator of EP '113, the amount of wear is known when each of at least two grooves disappears (the depth of the groove becomes zero), and accordingly the amount of wear can be ascertained only intermittently. According to the applicant's invention

recited in claim 1, an ascertainment of the wear amount can be made continuously at any optional time during the use of the tire.

It is held by the United States Patent and Trademark Office in effect that wear indicators having continuously changing surface shape with the wear of the tire are disclosed in German '833 and Japan '608 (mistakenly indicated by the Examiner as Japan '607) and that accordingly it would have been obvious to one of ordinary skill in the art to substitute such known indicators for the wear indicator of EP '113. However, now that the wear indicator consisting of at least two grooves of different depths are replaced by the wear indicator of German '633 or Japan '608, although the first cavity according to the applicant's invention recited in claim 1 may be thereby possibly obtained, the wear indicator with the second cavity having unchangeable or constant surface shape according to applicant's invention recited in claim 1 never be derived.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as unpatentable over EP 113 in view of DE 833 and Japan 608 and further in view of Bins (U.S. Patent No. 3,833,040). The rejection is respectfully traversed.

Claims 3, 4 and 6 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as unpatentable over EP 113 in view of DE 833 and JP 608 further in view of French (U.S. Patent Reissue No. 30,518). The rejection is respectfully traversed.

Claims 3, 4 and 6 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

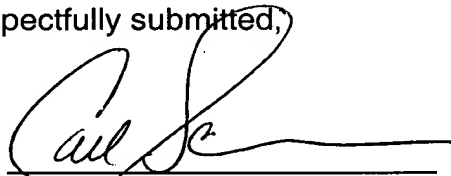
In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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